

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WINSTON DAVENPORT,

Defendant.

CR 06-06-M-DWM

ORDER

Following conviction for receipt of child pornography, 18 U.S.C. § 2252A(a)(2), Defendant Winston Davenport was sentenced to 78 months custody and lifetime of supervised release. (Doc. 76.) He completed his custodial term and began his term of supervised release on June 22, 2012. (Doc. 93.) On April 25, 2018, his request for early termination of his supervision was granted. (*Id.*) He now seeks to terminate his obligation to register as a sex offender under 34 U.S.C. § 20915. (Doc. 94.) The government does not object, but defers to the Court's discretion. (*Id.*) For the reasons discussed below, the motion is granted. However, only Davenport's federal registration requirement will be terminated—

this order does not terminate any state or local sex offender registration obligations Davenport may have.

Davenport was convicted of receipt and possession of child pornography, which means that he is a Tier 1 sex offender under the Sex Offender Registration and Notification Act (“SORNA”). 34 U.S.C. § 20911(2). A Tier 1 sex offender must register under SORNA for 15 years in the jurisdiction in which he resides.

Id. § 20915(a)(1). However, a sex offender can seek to reduce the duration of the registration period by five years by maintaining “a clean record” for a period of 10 years. *Id.* § 20915(b). The requirements for a “clean record” are:

- (A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- (B) not being convicted of any sex offense;
- (C) successfully completing any period of supervised release, probation, and parole; and
- (D) successfully completing an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

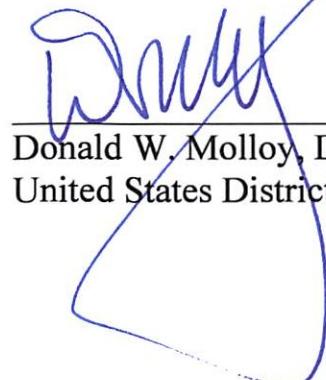
Id. § 20915(b)(1).

Davenport and his Licensed Clinic Psychologist, Dr. Michael J. Scolatti represent that Davenport satisfies 34 U.S.C. § 20915(b). (Docs. 95-1, 95-2.) Within the last 10 years, Davenport:

- (A) has not been convicted of any offense for which imprisonment for more than 1 year may be imposed;
- (B) has not being convicted of any sex offense;
- (C) was released from supervised release on April 25, 2018;
- (D) has successfully completed the SABER sex offender treatment program as well as over 250 hours of Aftercare group and individual treatment.

Accordingly, IT IS ORDERED that Davenport's motion, (Doc. 94.), is GRANTED. His federal registration obligation is TERMINATED under 34 U.S.C. § 20915.

DATED this 29th day of September, 2022.


Donald W. Molloy, District Judge
United States District Court

11:17 A.M.